

Practitioner's Docket No. 870-003-166**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Francisco ROJO LULIC**Application No.: **10/ 733,602**Group No.: **2834**Filed: **11 DEC 2003**For: **EXTERNAL ROTOR MOTOR**Examiner: **TRAN NGUYEN****RECEIVED  
CENTRAL FAX CENTER****OCT 11 2005**Date of mailing "Notice of Allowance and  
Base Issue Fee Due" **12 JUL. 2005**CONF No. **7850**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attention: Group Director Group 2800**PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE NOT PAID  
(37 C.F.R. § 1.313)**

**NOTE:** "Petitions to have an application withdrawn from issue before payment of the issue fee should be directed to the Technology Center (TC) Director to which the application is assigned (see M.P.E.P. § 1002.02(c)" M.P.E.P. § 1308, 8th Edition.

**NOTE:** A petition under § 1.313 is not required if a request for continued examination under § 1.114 is filed prior to the payment of the issue fee.

**NOTE:** A petition under 1.313 is not effective to withdraw the application from issue unless it is actually received and granted by the appropriate official before the date of issue. 37 C.F.R. § 1.313(d).

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

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**TRANSMISSION**☒ facsimile transmitted to the Patent and Trademark Office, ~~XXX~~ **571- 273-8300****RECEIVED  
OIP/EP****OCT 13 2005****11 OCT. 2005**

Date: \_\_\_\_\_

Signature

**MILTON M. OLIVER**

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Withdrawal from Issue—Issue Fee Not Paid (37 C.F.R. § 1.313) [9-33.1]—page 1 of 3 )

10/13/2005 HDEMESS1 00000057 230442 10733602

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**PETITION**

1. Applicant hereby petitions for the withdrawal of this application from issue.

**PATENT ISSUE FEE**

2. The Issue fee for this case has not been paid.

**REASON(S) FOR WITHDRAWAL REQUEST**

*NOTE: The petition for withdrawal from issue must include a showing of good and sufficient reasons why withdrawal of the application is necessary. 37 C.F.R. § 1.313(a).*

3. The reason for the request for withdrawal from issue is:

The assignee of the present application does not find the examiner's amendment to claim 9 acceptable.

The term "diagonally upward" is not sufficiently defined. Fans usually have no preferred installation orientation, so what is "upward" or "not upward" could be changed by merely rotating the fan by 90 degrees. Further, the word "diagonal" implies diagonal with respect to something (now undefined). Applicant respectfully requests that prosecution be reopened, so that counsel can consult with the examiner to arrive at more appropriate claim wording.

**CONTINGENT REQUEST FOR R.C.E.**

If the Office, for whatever reason, denies this Petition to withdraw from issue, Applicant hereby requests continued examination in accordance with 37 C.F.R. 1.114, and authorizes the Office to charge any necessary fees, such as a Rule 17(e) fee, to Deposit Account 23-0442.

Further details as to the reason(s) for this withdrawal request are set forth on the attached \_\_\_\_\_ sheet(s).

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## 4. Amendment

NOTE: Any amendment accompanying a petition to withdraw an application from Issue must comply with the requirements of § 312 (Amendment after allowance) 37 C.F.R. § 1.313(a).

☐ Accompanying this petition is an amendment.

## PETITION FEES

5. The fee set forth in § 1.17(h) (\$130.00) required by 37 C.F.R. § 1.313(a) is paid as follows:

☐ Attached is a ☐ check ☐ money order in the amount of \$130.00

☒ Authorization is hereby made to charge the amount of \$130.00

☒ to Deposit Account No. 23-0442

☐ to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 28,333

Tel. No.: ( 203 ) 261-1234

Customer No.: 4955

Milton Oliver

SIGNATURE OF PRACTITIONER

MILTON OLIVER

(type or print name of practitioner)

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Plus \_\_\_\_\_ Added Pages

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